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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/817,617	04/02/2004	Stephen J. Sicola	STL11874	2476

7590 09/26/2006

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Oklahoma City, OK 73102-8820

EXAMINER
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BATAILLE, PIERRE MICHE

ART UNIT	PAPER NUMBER
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2186

DATE MAILED: 09/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/817,617

**Applicant(s)**

SICOLA ET AL.

**Examiner**

Pierre-Michel Bataille

**Art Unit**

2186

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 12 September 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 42-70.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.



Pierre-Michel Bataille  
Primary Examiner  
Art Unit: 2186  
**PIERRE BATAILLE**

**PRIMARY EXAMINER**

### **ADVISORY ACTION**

1. Applicant argued that the Office Action mailed July 12, 2006 provided new grounds of rejections, therefore, stated that the Final Rejection is improper and requested withdrawal of the finality of the Office Action. Please note that the examiner on the case has changed and the examiner has throughout reviewed the Final Office Action mailed July 12, 2006 and the Non-Final Office Action mailed January 30, 2006 and noted that the bases for rejecting the claims in both Actions remain the same in both Actions. Specifically, both actions indicated:

- a) Claims 42-46, 52-53, 55-59, 64, 66-67, and 69-70 are rejected under 35 U.S.C. 102(e) as being anticipated by Hanagan et al. (US PG Pub 2001/0056362) (Section 4, page 2 of Final Rejection / Section 2, page 2 of Non-Final Rejection).
- b) Claims 47 and 60 are rejected under 35 U.S.C.103 (a) as being unpatentable over Hanagan et al. as applied to claims 42 and 55 above, further in view of Rossum (US Patent 6,138,207) (section 6, page 9 of Final Rejection / Section 4, page 9 of Non-Final Rejection).
- c) Claims 48 and 61 are rejected under 35 U.S.C.103(a) as being unpatentable over Hanagan et al. as applied to claims 42 and 55 above, further in view of Rossum (US Patent 6,138,207) (section 7, page 10, of Final rejection / Section 5, page 10 of Non-Final).

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- d) Claims 49 and 62 are rejected under 35 U.S.C.103(a) as being unpatentable over Hanagan et al. (US PGPub 2001/0056362) as applied to claims 42 and 55 above (section 8, page 11 of Final rejection / Section 6, page 11 of Non-Final).
- e) Claims 50 and 63 are rejected under 35 U.S.C.103(a) as being unpatentable over Hanagan et al. as applied to claims 42, 49 and 55 above, further in view of Sutcliffe et al. (US Patent 6,073,105) (section 9, page 12 of Final Rejection / Section 7, page 12 of Non-Final).
- f) Claim 51 is rejected under 35 U.S.C.103(a) as being unpatentable over Hanagan et al. (US PGpub 2001/0056362), as applied to claims 42 and 49 above (section 10, page 13 of Final Rejection / Section 8, page 13 of Non-Final).
- g) Claims 54 and 68 are rejected under 35 U.S.C.103(a) as being unpatentable over Hanagan et al. (US Pub 2001/0056362), as applied to claims 42 and 55 above (section 11, page 14 of Final Rejection / Section 9, page 14 of Non-Final).
- h) Claim 65 is rejected under 35 U.S.C.103(a) as being unpatentable over Hanagan et al. as applied to claim 55 above, further in view of Lee (US Patent 5,206,497) (section 12, page 15 of Final Rejection / Section 10, page 15 of Non-Final).

It is noted, however, that the examiner amended the Final Office Action, for clarity. Therefore, according to 37 CFR 1.113, the Final rejection or action is proper.

(a) On the second or any subsequent examination or consideration by the examiner the rejection or other action may be made final, whereupon applicant's, or for ex parte reexaminations filed under § 1.510, patent owner's reply is limited to appeal in the case of rejection of any claim ( § 41.31 of this title), or to amendment as specified in § 1.114 or § 1.116. Petition may be taken to the Director in the case of objections or requirements not involved in the rejection of any claim ( § 1.181). Reply to a final rejection or action must comply with § 1.114 or paragraph (c) of this section. For final actions in an inter partes reexamination filed under § 1.913, see § 1.953.

(b) In making such final rejection, the examiner shall repeat or state all grounds of rejection then considered applicable to the claims in the application, clearly stating the reasons in support thereof.

(c) Reply to a final rejection or action must include cancellation of, or appeal from the rejection of, each rejected claim. If any claim stands allowed, the reply to a final rejection or action must comply with any requirements or objections as to form.

With respect to applicant request for clarity of the rejection of claim 42, please note that the examiner clearly noted that:

paragraph 279 features Active Monitoring--OP 22 actively monitoring service requests until their completion;

paragraph 196 features (a) ERP (Event Rater and Pricer) characterizing real-time message processing functionality for a provider's usage and non-usage events and (b) after the events are rated and summarized, the events are

formatted, validated, assembled and checked for duplicates, i.e. the events' parameters are adjusted; and

paragraph 0081 features Order Processing (OP) 22, which actively monitors service requests, also providing active order processing accepting requests, providing order management and service and actively monitoring tasks generating alarms for potential error conditions.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Michel Bataille whose telephone number is (571) 272-4178. The examiner can normally be reached on Mon-Fri (8:00A to 4:30P).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew M. Kim can be reached on (571) 272-4182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.